

A different view



Planning Statement

Certificate of Lawfulness for existing dwellinghouse

Andrew Bannister

February 2026

Project Title

Certificate of Lawfulness for existing
dwellinghouse

Certificate of Lawful Existing Use or
Development (CLEUD) – Supporting
statement

Applicant Name

Andrew Bannister

Date

February 2026

Report Author

Róisín Daly-Mannion
Planner

Revision	Date	Author	Checked	Comments
V1	16/2/2026	RDM	FT	



Contents

Summary 4

1. Introduction 6

2. The application 8

3. The evidence.....10

4. Conclusions.....11

5. Appendix 12

Summary

The legal test

The application for a Certificate of Lawful Existing Use or Development (CLEUD) is made in respect of Section 191 of the Town and Country Planning Act 1990, as amended.

The relevant time period, as it applies to the breach of a planning control, for use of a development comprising the change of use of an existing annexe into a separate residential dwellinghouse and associated curtilage is four years.

The provisions are set out within Section 171B of the Town and Country Planning Act 1990. Up until 25th April 2024, the legislation set out within Sections 171B (1) and (2) a relevant period of four years with regard to the breaches as set out above.

These provisions were superseded by updates to the Act, following the enactment of the Levelling-up and Regeneration Act (LURA) (2023), which introduced a ten-year relevant period for all future breaches of planning control, subject to transitional arrangements. Under the transitional arrangements, the four-year enforcement period will still apply where the development was substantially completed before 25th April 2024 or, in relation to the change of use to a single dwelling, where the breach occurred prior to 25th April 2024.

In the case of the former annexe at Withgill House, Withgill Fold, Withgill, Clitheroe, BB7 3LW, the property has been completed and in use for over 20 years. It has been in use as an independent dwelling for longer than four years. The four-year period applies to these particular circumstances and, as the breach has occurred for a period in excess of four years, no enforcement action can now be taken, and a certificate should be issued confirming the lawfulness of the independent use.

National planning policy guidance advises that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The evidence

Evidence submitted in support of this application includes:

- Location plan (Appendix 1).
- Sworn statements from [REDACTED] annexe (Appendix 2).
- Statutory declarations from [REDACTED] and [REDACTED], who have firsthand knowledge of the development (Appendices 3 & 4).
- Rent records dating from 18th October 2021 to the present day 18/10/21 (Appendices 5–10).
- Bills/invoices relating to the residential use (Appendices 11–31).

Lawful existing use of development

The evidence provided demonstrates that the annexe was constructed in excess of four years ago, and that its change of use to a dwellinghouse was enacted more than four years ago and is therefore lawful development.

1. Introduction

- 1.1: This statement has been prepared to support an application for a Certificate of Lawful Existing Use or Development (CLEUD), which has occurred in breach of planning permission.
- 1.2: The use and development for which a certificate is sought is:
- “Change of use of annexe to dwellinghouse and associated curtilage at Withgill House.”
- 1.3: The subject site is a detached dwellinghouse at land known as Withgill House, Withgill Fold, Withgill, Clitheroe, BB7 3LW. The building is outlined below for identification purposes. A location plan is submitted at Figure 1.

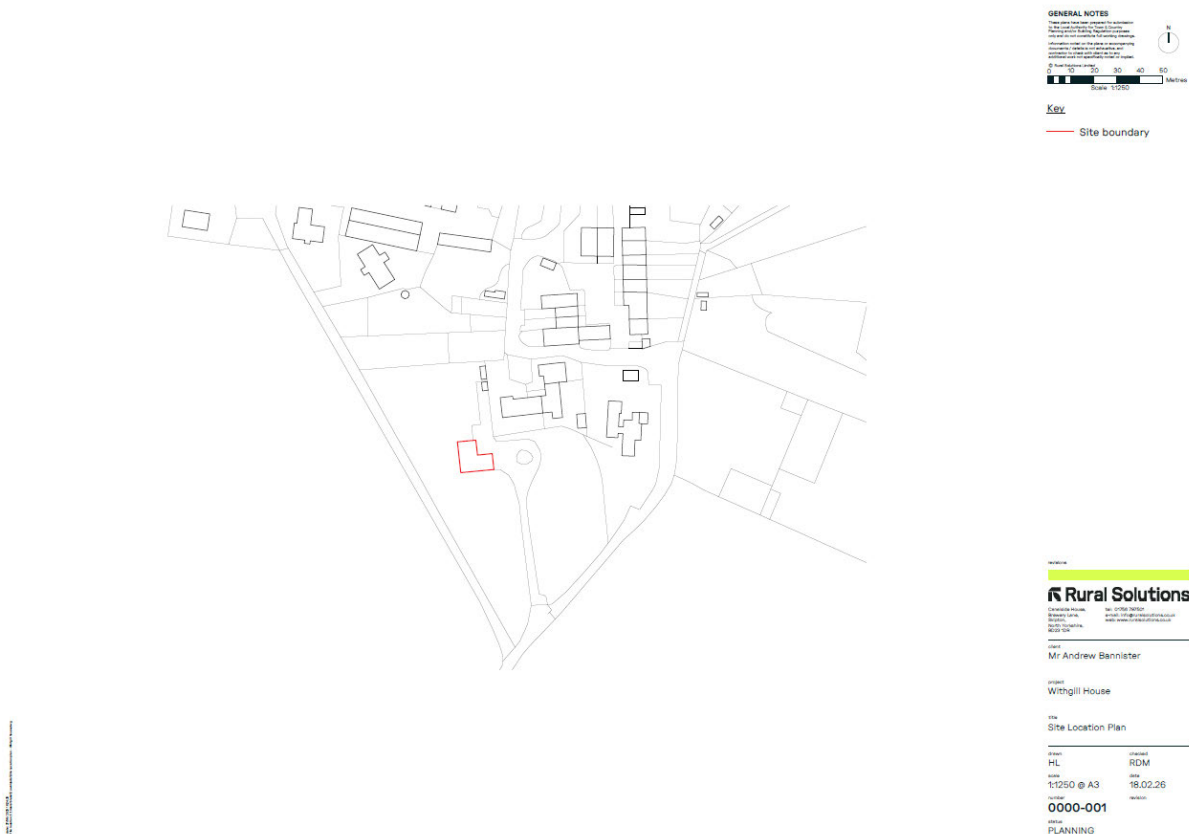


Figure 1: Site location plan

- 1.4: This supporting statement outlines the case for granting the certificate and sets out the evidence submitted in support of the application. This evidence includes:
- Location plan (Appendix 1).
 - Sworn statements from [REDACTED] who own the annexe (Appendix 2).

- Statutory declarations from [REDACTED] and [REDACTED], who have firsthand knowledge of the development (Appendices 3 & 4).
 - Rent records dating from 18th October 2021 to the present day (Appendices 5–10).
 - Bills/invoices relating to the residential use (Appendices 11–31).
- 1.5: Section 2 of this statement sets out the terms of the application. This includes the legal scope of the application, the relevant test of evidence which should be applied in the determination of this application, and a commentary on the relevant time period which should be applied.
- 1.6: Section 3 provides a summary of the evidence submitted with this application.
- 1.7: The conclusion to this statement is provided at Section 4.
- 1.8: The evidence is prepared in separate Appendices 1 to 31.

2. The application

Legal scope of application

- 2.1: The application for a Certificate of Lawful Existing Use or Development (CLEUD) is made in respect of Section 191 of the Town and Country Planning Act 1990.
- 2.2: It is considered appropriate for the avoidance of doubt to formally establish with the local planning authority that the establishment of a residential dwelling and the occupation of the building in an independent C3 residential use is lawful.

The test of evidence

- 2.3: National Planning Policy Guidance (NPPG) advises that:

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this application process.

- 2.4: The applicant is responsible for providing sufficient information to support an application. The NPPG adds that:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

- 2.5: In this case, the evidence submitted demonstrates without doubt the 'balance of probability' (or 'more than likely') test is met, as qualified in the following section and appendices to this document.

Relevant time period

- 2.6: The relevant time period for consideration under this application, regarding the lawfulness of the breach of a planning control comprising the use of the development, is four years.
- 2.7: The provisions are set out within Section 171B of the Town and Country Planning Act 1990. Up until 25th April 2024, the legislation set out within Sections 171B (1) and (2) a relevant period of four years with regards to the breaches as set out above.
- 2.8: These provisions were superseded by updates to the Act, following the enactment of the Levelling-up and Regeneration Act (LURA) in 2023, which introduced a ten-year relevant period for all future breaches of planning control, subject to transitional arrangements. Under the transitional arrangements, the four-year enforcement period will still apply where the residential use of the development was in situ before 25th April 2024.
- 2.9: In the case of the dwellinghouse at Withgill House, the development to build the annexe was completed in the 1990s. As the evidence shows, the property has since been used as an independent dwelling for more than four years. Due to the

transitional period within the legislation, a four-year period applies for the use of the property as an independent dwelling. As the breaches have occurred for a continuous period in excess of four years, no enforcement action can now be taken, and a certificate should be issued confirming the lawfulness of the development.

3. The evidence

Overview

Evidence

- 3.1: The submitted location plan, edged in red, identifies the property as it has existed throughout the occupation of the property as an independent C3 unit (Appendix 1).

Statutory declarations

- 3.2: Independent statutory declarations from the following individuals confirm this to be true:
- The applicants, [REDACTED] (Appendix 2).
 - [REDACTED] (Appendix 3).
 - [REDACTED] (family friends) (Appendix 4).

Bills & invoices

- 3.3: Copy of tenancy rent record for the duration of this period to demonstrate its continual use (Appendices 5–10).
- 3.4: Bills/invoices relating to ongoing maintenance or occupation such as septic tank upgrades, cleaners, repairs to kitchen units, gable end repairs and electrical supplies (Appendices 11–31).

4. Conclusions

- 4.1: A Certificate of Lawful Existing Use or Development (CLEUD) is sought for the use of a former annexe to an independent dwellinghouse at Withgill House.
- 4.2: As outlined, the relevant test of the evidence submitted in respect of a Certificate of Lawful Existing Use or Development (CLEUD) is whether, on the balance of probability, it is 'more than likely' that the use or development is a lawful one.
- 4.3: The evidence, as summarised in Section 3 of this statement, concludes that the dwellinghouse has been used as a primary residence in excess of four years.
- 4.4: This breach occurred prior to 25th April 2024 and, as such, the four-year rule still applies under transitional arrangements introduced under the Levelling-up and Regeneration Act (2023).
- 4.5: On this basis, a Certificate of Lawful Existing Use or Development (CLEUD) can be issued.
- 4.6: A Certificate of Lawful Existing Use or Development (CLEUD) is issued having regard to the facts, rather than any planning considerations, and with reference to the facts as set out in this statement there is no reason for the local planning authority to withhold a Certificate of Lawful Existing Use or Development (CLEUD) from the applicant in this instance.

5. Appendix

Appendix 1 – A1. Location Plan
Appendix 2 – A2. Statutory declaration – [REDACTED]
Appendix 3 – A3. Statutory declaration – [REDACTED]
Appendix 4 – A4. Statutory declaration – [REDACTED]
Appendix 5 – A5. Rent Record 1
Appendix 6 – A6. Rent Record 2
Appendix 7 – A7. Rent Record 3
Appendix 8 – A8. Rent Record 4
Appendix 9 – A9. Rent Record 5
Appendix 10 – A10. Rent Record 6
Appendix 11 – A11. Aspen martin Inv
Appendix 12 – A12. Hutchinsons Inv 415
Appendix 13 – A13. K&M Inv 0142
Appendix 14 – A14. K&M Inv 0244
Appendix 15 -A15. M Wellock Inv (2)
Appendix 16 - A16. M Wellock Inv
Appendix 17 – A17. Pendle Stone Inv 1997
Appendix 18 - A18. SLATE AGE Inv 5879 (2)
Appendix 19 -A19. SLATE AGE Inv 5879
Appendix 20 – A20. Snapes Inv 4305
Appendix 21 – A21. Snapes Inv 4331
Appendix 22 – A22. Local Assist Inv 4216
Appendix 23 - Local Assist Inv 4389
Appendix 24 - Local Assist Inv 4468
Appendix 25- Local Assist Inv 4684
Appendix 26 - Local Assist Inv 4765
Appendix 27 - Local Assist Inv 4891
Appendix 28 - Local Assist Inv 5012
Appendix 29 - Local Assist Inv 5148
Appendix 30 - Local Assist Inv 5325
Appendix 31 - Local Assist Inv 5472

Disclaimer: The information, analysis and recommendations within this document are made by Rural Solutions Limited in good faith and represent our professional judgement on the basis of the information obtained from others. No statement made within this document may be deemed in any circumstance to be a representation, undertaking or warranty and we cannot accept any liability should you rely on such statements or such statements prove to be inaccurate. In particular the achievement of particular goals depends on parties and factors outside our control. Any illustrations and otherwise in this report are only intended to illustrate particular points of argument.

This document and its contents are confidential and will remain confidential until we waive confidentiality or the document is published by a Local Planning Authority.

Copyright © Rural Solutions Limited February 26

Any unauthorised reproduction or usage is strictly prohibited.



We are rural